

GENERAL LAWS

FORTY-FOURTH LEGISLATURE, 1935

REGULAR SESSION

VOLUME II

RURAL AID APPROPRIATION.

H. B. No. 327.] CHAPTER 350.

An Act appropriating Five Million Dollars (\$5,000,000) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal Funds appropriated for the purpose of conducting Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and rehabilitation for Crippled Children; attaching conditions, regulations and limitations relative thereto; authorizing Aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; authorizing the use of an amount not to exceed a certain sum for the payment each year of the biennium for high school tuition for rural school pupils according to the provisions of H. B. No. 158, General Laws, Regular Session, Forty-fourth Legislature; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violation of any provision of this Act; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing all costs of administering funds named in Section 13, shall be paid out of moneys appropriated in this Act and shall not exceed amounts appropriated by the general appropriation bill for support and maintenance of the Executive and Administrative Departments and agencies of the State for biennium ending August 31, 1937; authorizing the Department of Vocational Rehabilitation to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act; authorizing the State Board of Education and the State Superintendent of Public Instruction to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; defining powers of State Board of Education and of State Superintendent of Public Instruction; providing for appointment of certain employees; providing for application for Aid; making certain exceptions for counties with less than one thousand, four hundred (1,400) scholastics; providing for transfer of entire district under certain conditions; defining the manner of payments and disbursements of all moneys granted under the provisions of this Act; making provisions for performance of duties authorized in this Act in counties where there is no county school board; enacting other provisions necessary and incidental to the provisions of this Act; providing the State shall not be pledged nor obligations incurred against the Rural Aid Fund in any one year in excess of amount appropriated; providing for qualifications of teachers in schools receiving State Aid and making certain exemptions; providing no financial aid shall be withheld because of deficiency in certificates held by teachers in a school unless such deficiency is covered by a rule or regulation expressly provided by Statute of the State of Texas; providing that the tax provisions and other

inhibition provided in said bill shall not apply to school attended by Alabama Indians in Polk County; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (Appropriation) For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State including sufficient funds to match Federal funds appropriated for the purpose of conducting Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and Rehabilitation for Crippled Children, there is hereby appropriated out of the General Revenue Fund, Five Million Dollars (\$5,000,000) or so much thereof as may be necessary for the school year ending August 31, 1936, and Five Million Dollars (\$5,000,000) or so much thereof as may be necessary for the school year ending August 31, 1937, to be allotted and expended by the State Superintendent under the direction of the State Board of Education; provided that any unexpended balance occurring at the end of the year 1936 may be transferred and added to the appropriation for the year ending August 31, 1937.

SEC. 2. (Scholastic Population of District) State Aid under the provisions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty (20) scholastics and not more than four hundred (400) scholastics located in districts of not more than five hundred (500) scholastics, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school districts unit, and all districts composed of entire counties having a scholastic population of less than five thousand (5,000); providing the provisions of this Section shall not apply to any school district containing forty-eight (48) square miles of territory or more, or any district of a length of not less than nine miles, for the purpose of receiving Transportation Aid. It is expressly understood that the provisions and limitations of this Section shall not apply to Industrial Aid, Vocational Aid and Aid for Crippled Children.

SEC. 3. (Distance Between Schools) No aid shall be granted to any school under the provisions of this Act which is located within two and one-half ($2\frac{1}{2}$) miles of another school of the same race, unless on account of the condition of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous elections has voted to remove such conditions by consolidation.

SEC. 4. (Teacher Pupil Load) State Aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scho-

lastics, or fractional part thereof. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

SEC. 5. (Average Daily Attendance) No school shall be granted Aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness. Districts where parochial schools are maintained are exempt from the provisions of this Section.

SEC. 6. (Tax Levy) No school district shall be eligible to receive Aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for Interest and Sinking Fund for bonds, of not less than fifty (50) cents on the One Hundred Dollars (\$100) of property valuation in the entire district, or not less than seventy-five (75) cents, inclusive of the tax for Interest and Sinking Fund for bonds; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes. Any school district which shall after October 1, 1935, reduce its existing property assessment and/or existing tax rates, thereby enabling it to participate under this Act, shall not be eligible to receive Aid from any of the funds herein provided.

SEC. 7. (Taxable Wealth) No part of the Aid herein provided for teachers' salaries shall be given to a school district with an assessed valuation in excess of Three Thousand Dollars (\$3,000) per scholastic as shown by the scholastic census, said valuation being assessed as provided heretofore; provided, that this Section does not apply to school districts that levy and assess a One Dollar (\$1.00) tax on the One Hundred Dollars (\$100) valuation of taxable property.

Provided the State Superintendent shall take into consideration, in fixing allowances to school districts, any loss sustained by said district by reason of the Federal Government buying lands for national forests, and by reason of the location in said districts of University lands, and the State Superintendent shall be authorized to make allocations to said districts by virtue of losses sustained by said districts by reason of Federal purchase of lands, the amounts to be fixed by the State Superintendent based upon existing facts and circumstances as applicable to all other school districts.

SEC. 8. (Salary Schedule) No part of the Aid herein provided shall be used for increasing the monthly salary of any

teacher, but funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such Aid on the basis of a schedule of teachers' salaries to be determined by the State Superintendent of Public Instruction with the approval of the State Board of Education.

SEC. 9. (Length of Term) All schools of the unaffiliated class receiving Aid shall provide a term of approximately eight (8) months. These schools shall be so classified by the county board as to provide as nearly as possible an eight (8) months term out of State, county, and local funds. Should there not be sufficient funds to maintain the schools as herein stated, then Aid may be granted subject to the other provisions of this Act. Should any school district eligible to receive Aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule as determined by the State Superintendent with the approval of the State Board of Education, the amount of Aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any Aid be withheld from any school for its failure to consolidate.

SEC. 10. (High School Tuition) It is hereby expressly provided that a sufficient amount of funds appropriated by this Act shall be used for the payment of high school tuition not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month. High School tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, Forty-fourth Legislature. Providing that the provisions of this Section shall not apply to granting of Aid under terms of this Section for Vocational Education or Crippled Children. It is further provided that high school tuition Aid, as above set out, shall be granted for pupils transferred to outside high schools from the State Home for Dependent and Neglected Children at Waco and from the Alabama and Coushatta Indian Reservation near Livingston, provided the Aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby.

SEC. 11. (Transportation Aid) The County Superintendent and County School Board are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts, to the most convenient accredited high school. The expense of such transportation shall be paid out of funds hereby provided, not to exceed Two Dollars (\$2) per pupil per month. Provided, further, that in districts composing an entire county, high school Transportation Aid as authorized in this Section may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school.

It is further provided that the districts through which these buses travel may make provisions with the County Superintendent and the County School Board to have any other children not provided for herein, transported within and between their re-

spective districts, and said districts may make application for State Aid thereon to an amount not to exceed One Dollar (\$1) per month per pupil. Provided, that where regular buses do not run in sparsely settled section of counties which are operating under a county unit system, the County School Board and County Superintendent are authorized to make provisions for the transportation of pupils within said districts, and may make application for State Aid thereon to an amount not to exceed One Dollar (\$1) per month per pupil. Providing that all school districts containing one hundred (100) square miles of territory or more may receive Transportation Aid of Two Dollars (\$2) per month per pupil. And provided further that like Aid of One Dollar (\$1) per month per pupil shall be made in respect of transportation in any common school district in which there exist two school plants, one of which is a first class four (4) year high school and which said plants are separated by a distance of not less than two and one-half (2½) miles.

SEC. 12. (Penalty Provision) Any district violating any of the provisions of this Act, shall forfeit all rights to such Aid and may be disqualified to receive any Aid of any nature under any Section of this Act for the current year. Should any school which would otherwise be eligible to receive Aid agree, provide, or contract with teachers to pay a smaller monthly salary during the remainder of the term following the granting of Aid, provided out of local funds, than is paid out of State Funds, then such school shall forfeit its right to receive Aid. Provided any Census Trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

SEC. 13. (Industrial Aid) Aid may be granted to any one school in the district employing three or more teachers which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics, according to the program approved and published by the State Department of Education and employing a teacher or teachers whose qualifications are in accordance with the approved and published standard of the State Department; provided, that the maximum Aid to be granted each department shall be the amount actually expended not to exceed One Hundred Dollars (\$100) for each department per year. It is expressly understood that the provisions and limitations of this Section shall not apply to Vocational Education and Crippled Children.

SEC. 14. All expenditures for costs of administering the various funds named in this Act shall be paid out of the moneys appropriated in this Act and such expenditures shall not exceed the amounts authorized by the general appropriation bill.

It is herein specifically provided that Four Million, Two Hundred and Eighty Thousand Dollars (\$4,280,000) of the moneys heretofore appropriated in Section 1 of this Act is hereby specifically allocated for the purpose of Rural Aid to be administered under the provisions of this Act; Five Hundred and Seventy

Thousand Dollars (\$570,000) of said moneys is hereby allocated for Industrial Aid and to match Federal Funds for Vocational Agriculture, Home Economics, Trades and Industries and General Rehabilitation according to the Federal Laws governing Vocational Education; One Hundred and Fifty Thousand Dollars (\$150,000) of said moneys is hereby allocated to support the State's Rehabilitation program for Crippled Children, each of the above named allocations being for each year of the biennium.

Provided that the Department of Vocational Rehabilitation is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act.

SEC. 15. (Powers of State Board of Education and of State Superintendent of Public Instruction) It shall be the duty of the State Board of Education and it is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of inspectors hereinafter authorized to make a thorough investigation, in person of the grounds, building, equipment, teaching staff, and financial condition of each school applying for aid; and no Aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of Aid is actually needed. Provided, however, that no regulation of the State Superintendent or the State Board of Education shall conflict with any provision of this bill or any present Statute. Provided further that the State Superintendent of Public Instruction shall appoint not to exceed twenty-four supervisors, four stenographers, one director of Rural Aid, one Secretary of Rural Aid, and one Director relating to High School Supervision. The twenty-four supervisors appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expenses of all such appointees as provided for above in this Section shall be paid for out of moneys herein appropriated.

The personnel for administration of Vocational Education and Crippled Children shall be appointed by the State Superintendent of Public Instruction. The personnel shall consist of the following:

- 1 State Director of Vocational Agriculture
- 1 State Supervisor of Vocational Agriculture
- 1 Assistant Supervisor of Vocational Agriculture
- 4 District Supervisors of Vocational Agriculture
- 1 State Director of Trades and Industries and Chairman of Division
- 1 State Supervisor of Trades and Industries
- 4 District Supervisors of Trades and Industries
- 1 State Director of Home Economics

- 1 State Supervisor of Home Economics
- 4 District Supervisors of Home Economics
- 3 Stenographers for Vocational Agriculture and Trades and Industries and Home Economics Division
- Extra stenographic help for Vocational Agriculture, Trades and Industries, and Home Economics Division
- 1 Director of Vocational Rehabilitation
- 2 Supervisors of Rehabilitation
- 2 Supervisors for Crippled Children
- 2 Stenographers
- 1 Secretary
- 1 Chief Clerk
- Extra help
- 1 Janitor for Vocational Agriculture, Trades and Industries, and Home Economics Division

The salaries and travel and other expenses of these appointees as provided for above in this Section shall be paid for out of moneys herein appropriated for Vocational Education, Rehabilitation, Crippled Children, respectively, and in amounts as passed by the Departmental Appropriation Bill for the Biennium ending August 31, 1937.

SEC. 16. (Application for Aid) The trustees of the schools authorized in Section 2, of this Act, may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with the State and county available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months and approximately eight (8) months; provided, that if the school has sufficient State and county available funds to maintain the school for an eight (8) months term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 2, it shall not be eligible to receive Aid; provided further, that the County Superintendent shall approve all contracts with teachers, supervising officers, and bus drivers in all schools before such schools may be eligible to receive Aid under any provisions of this Act. Provided also that all Aid granted out of the funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of Aid.

SEC. 17. (Counties with less than one thousand, four hundred (1,400) scholastics) It is hereby provided that schools in sparsely settled counties having less than one thousand, four hundred (1,400) scholastic population in the common school districts, may be exempt from the minimum restriction of

twenty (20) scholastics; provided, that each district applying for Aid is levying and collecting the limit of local support as provided in Section 6, of this Act. Provided the State Department of Education may grant Aid to schools in sparsely settled districts without regard to the number of scholastics or the duration of the term of each school.

SEC. 18. (Transfer of Entire District) On the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the County Superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event, all of the funds of the district, including the State Aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out said agreement.

SEC. 19. (Disbursement) Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which Aid is granted in the same manner as warrants for State Apportionments are now transmitted and it shall be the duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

SEC. 20. In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized by this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts, and all Aid shall be granted on the basis of need after proper budgeting.

SEC. 21. (Miscellaneous Provisions) Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County Available School Funds and in all other school funds in the same manner as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any Aid they may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State; provided however, that no school or school district shall be denied Aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a majority vote of said State Board of Education.

Teachers employed in state aid schools shall be required to have a minimum of two (2) years of college training or the equivalent thereof, and shall be required to have a Texas State

Teachers' Certificate of no lower standing than a six-year elementary or a four-year high school grade, provided that those teachers now employed in state schools not measuring up to this standard may continue their work in said aid school, if they will secure credits in some college or university whose credits are recognized by the University of Texas at the rate of six (6) semester hours every two (2) years from the effective date of this Act. Provided, however, that any teacher who has taught school in the public schools of this State for as many as fifteen (15) years, shall be exempt from the provisions of this Section.

SEC. 22. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than fifty per cent (50%) of the total amount allotted to any one school as an initial payment, and that the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total appropriation for that year.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its or their allotments in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the Rural Aid Fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein appropriated shall be in full of all amounts to be spent for the purposes contemplated by this Act for the period covered by this Act.

SEC. 23. It shall be unlawful for any County School Superintendent or the Superintendent of any common or independent school district, school teacher, county trustee and/or district trustees or any other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial Aid shall ever be withheld from any school entitled to such Aid under the provisions of this bill by virtue of an alleged deficiency in the certificates held by the teaching personnel of any such school on account of and/or by virtue of any regulation of the State Superintendent of Public Instruction, the Department of Education, and/or the Board of

Education, unless such rule or regulation is expressly provided by the Statutes of this State.

Provided that the tax provisions and other inhibition provided in said bill shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

SEC. 24. (Repealing and Constitutional Clauses) All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall, nevertheless, remain in effect.

SEC. 25. (Emergency Clause) The fact that many schools are in need of additional Aid other than State per capita apportionment and local maintenance, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 327 passed the House, March 26, 1935, by a vote of 125 yeas, 2 nays; House refused to concur in Senate amendments, April 18, 1935, and Conference Committee was appointed; House adopted Conference Committee Report, May 10, 1935, by a vote of 120 yeas, 2 nays; passed the Senate, as amended, April 17, 1935, by a vote of 28 yeas, 0 nays; Senate adopted Conference Committee Report, May 9, 1935, by a vote of 30 yeas, 0 nays.]

Approved May 29, 1935.

Effective September 1, 1935.